

REMARKS/ARGUMENTS

Claims 33-34, 37-52 and 87-108 are pending in the application. Applicants reserve the right to present any cancelled subject matter in one or more continuation or divisional applications.

In response to a restriction requirement issued January 20, 2006, Applicants elected group IV, drawn to methods of treating *Flaviviridae* infection by administering a 2'-branched nucleoside in combination with one or more drugs that induce a mutation at a location other than a mutation that results in a change from serine to a different amino acid in the consensus sequence $\text{XXS}\underline{\text{G}}\text{XXXT}$ of domain B of the RNA polymerase region. In response to a species election requirement, Applicants elected the 2'-branched nucleoside $\beta\text{-D-2'-CH}_3\text{-riboC}$ of claim 38 and the 3'-L-valinyl prodrug of $\beta\text{-D-2'-CH}_3\text{-riboC}$ of claim 40.

On October 11, 2006, the Examiner issued a supplemental communication requiring an additional species election of one chemical modifier from each of:

- A. One R^2 from claims 88-90; and
- B. One R^4 from claims 91-95.

Applicants hereby elect the species wherein R^2 is an amino acid ester as recited in claim 89 for genus (A) and elect the species wherein R^4 is methyl as recited in claim 92 for genus (B).

The Examiner also required election of a subspecies when R^2 is an amino acid ester selected from species disclosed in claims 100-102. Applicants elect the subspecies wherein R^2 is an ester of L-valine. Claims 33-34, 37, 39-40, 48-50, 52, 89, 92, and 100-108 read on the elected subspecies.

Appl. No. 10/715,729
Amendment dated December 9, 2006
Reply to Communication of October 11, 2006

Examination of the elected claims is respectfully requested. Commissioner is authorized to charge any deficiency to Deposit Account 11-0980.

Respectfully submitted,

____/SUSANNE HOLLINGER/_____
Susanne Hollinger, Ph.D.
Reg. No. 51,811

KING & SPALDING LLP
1180 Peachtree Street
34th Floor
Atlanta, Georgia 30309
Tel.: (404) 572-3541